

Appendix B

Declaration of Shannon R. Rice

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Kevin A. Seiling)
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Serial No. 10/001,730)
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Filed: November 2, 2001)
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Art Unit: 1732)
)
Patent Examiner: Kuhns, Allan R.)
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Our Ref: 01-180)
)

A COMPOSITION FOR MAKING
EXTRUDED SHAPES AND A
METHOD FOR MAKING SUCH
COMPOSITION

Assistant Commissioner for Patents
2007
Washington, DC 20231

October 10,

DECLARATION OF SHANNON R. RICE

NOW COMES Shannon R. Rice, an individual, who resides at 53531 Baywater Place, Bristol, Indiana 46507, and who declares that the following facts are true, complete and correct:

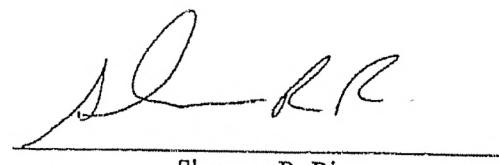
1. I am a Vice-President of KibbeChem, Inc. in Elkhart, Indiana.
2. KibbeChem, Inc. manufactures multi-component chemical foaming agents that are available in various forms for use by sheet and profile extruders as well as injection and structural foam molders. Those products are individually formulated to meet the plastic processor's specific needs.
3. I have been employed at KibbeChem for approximately 14 years where I have acquired extensive experience with formulating chemical foaming agents for numerous applications.
4. During my employment at KibbeChem, I have assisted in the development and testing of numerous formulations for blowing agents that are used in polyvinyl compounds.

5. Through this experience, I have become knowledgeable in the art of vinyl compound formulas that are used in extrusion processes and in injection molding processes.
6. I frequently work with other KibbeChem employees to formulate and test proposed compounds and compound formulas. Many of these formulations include polyvinyl chloride together with other ingredients.
7. I have read U.S. Patent Application Serial No. 10/001,730 which is entitled "A Composition for Making Extruded Shapes and a Method for Making Such Composition". (herein "the '730 Application"). The '730 Application describes a composition wherein polyvinyl chloride with glass fibers is extruded to form a closed cell polyvinyl chloride compound wherein the glass fibers are in the amount of 1% to 18% by weight of the composition and the glass fibers have a fiber length in the range of 50 to 900 microns (herein "the '730 composition").
8. I have also read U.S. Patent 6,623,838 to Nomura (herein "Nomura"). Nomura describes an expansion molding process wherein a thermoplastic material is injected into a mold having an expandable mold cavity. The mold cavity is expanded as the molded part is formed to create a hollow cavity in the molded part.
9. In Nomura, the thermoplastic material includes a blowing agent that causes the thermoplastic material to foam as the molded part is being formed. Also in Nomura, while the molded part is being formed, a gas is introduced to the expanding mold cavity. According to Nomura, the chemical blowing agent will go into the hollow cavity in the molded part and the injected gas will penetrate the thermoplastic material to participate in the formation of gas permeable pores in the walls of the molding.
10. In Nomura, given the low pressure in the expansion cavity mold during the molding process, gas from the blowing agent escapes into the hollow cavity and injected gas permeates the foamed cell walls to result in an open cell structure of the molding. In Nomura, the permeation of the injected gas into the melt and permeation of the blowing agent out of the melt and into the melt cavity prevents closed cells from forming in the molding.

11. I have also read U.S. Patent 6,062,624 to Crabtree (herein "Crabtree"). Crabtree describes a thermoplastic material that is useful in filling irregular spaces. The material is placed in the irregular space in liquid form and then heated to cause it to expand to fill the available space. Crabtree states in Column 3, lines 52-53 that "The foam material may be open or closed cell." As one skilled in the art, to me this means that the thermoplastic material in Crabtree is foamed in an uncontrolled process such that some of the cells may be closed and some of the cells may be open. However, Crabtree does not teach how to control the process described so as to selectively create closed cells in the thermoplastic material.
12. As one skilled in the art and having read Nomura and Crabtree, I conclude that the moldings that are described in Nomura are open cell moldings. I further conclude that the expansion cavity mold process as described in Nomura will not produce a closed cell thermoplastic material. I find no teaching in Crabtree as to how to modify Nomura so as to achieve a closed cell thermoplastic material. Furthermore, I have found nothing in either Nomura or Crabtree that would suggest their combination or how that combination could be achieved to produce a closed cell thermoplastic material.
13. Based on my years of experience in the development of polyvinyl chloride compounds, in November 2001 when the '730 Application was filed it would not have been obvious to one normally skilled in the art to modify Nomura in accordance with any teaching of Crabtree. Furthermore, it would not have been obvious to one skilled in the art as to how a combination of Nomura and Crabtree would result in a polyvinyl compound with closed cells as described in the '730 Application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

Further I say not.



Shannon R. Rice